

University of California, Hastings College of the Law UC Hastings Scholarship Repository

Propositions

California Ballot Propositions and Initiatives

1954

VOTING ELIGIBILITY

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_props

Recommended Citation

VOTING ELIGIBILITY California Proposition 12 (1954).
http://repository.uchastings.edu/ca_ballot_props/557

This Proposition is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Propositions by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

VOTING ELIGIBILITY. Assembly Constitutional Amendment No. 28. Removes voting disqualification of person convicted of infamous crime after he has completed paying penalties imposed by law for such conviction.	YES	
	NO	

(For Full Text of Measure, See Page 9, Part II)

Analysis by the Legislative Counsel

The California Constitution presently provides that no person who has been convicted of an infamous crime shall thereafter exercise the privileges of an elector in this State. The expression "infamous crime" includes all crimes punishable by imprisonment in a state prison as well as certain other offenses. If this constitutional amendment is adopted, the loss of voting rights, the right to hold public office and other privileges of an elector would be restricted to the period during which the person is paying the penalties imposed by law for the conviction, and when that period ends, such rights and privileges will revive.

This constitutional amendment does not affect the provision that no person convicted of the embezzlement or misappropriation of public money shall ever exercise the privileges of an elector in this State.

Argument in Favor of Assembly Constitutional Amendment No. 28

Proposition No. 12 will restore the right to vote to a person convicted of a felony after he has paid the penalties imposed by law for conviction of the felony. It has the endorsement of the Board of Corrections, a state agency given by law broad duties and responsibilities for studying the crime and delinquency problem in California.

Under our present constitution every person who is convicted of a felony loses his right to vote forever thereafter. This provision dates back to our original constitution adopted in 1849. Since then we have advanced a long way in our treatment of wrong doers.

We have established a modern penal system based upon the idea of rehabilitating prisoners so that they may, upon reformation, lead a normal life. The right to vote and to participate in civic and public affairs is certainly a part of that normal life.

In addition, under our present law every one who commits a felony does not lose his right to vote. If a person is charged with a felony, pleads guilty, is granted probation, and successfully completes probation he can come into court and get permission to change his plea to not guilty. In such case the original charge against him is dismissed and he does not lose his right to vote (Section 1203.4, Penal Code).

On the other hand, if a person is charged with a felony and either pleads guilty or is found guilty and is not given probation but is sentenced and serves his term, he loses his right to vote forever. Thus, of two persons equally guilty the matter of the loss of the right to vote is not dependent upon the fact of guilt, which is admitted in both cases, but depends upon whether or not probation is granted. This proposition will eliminate this artificial distinction.

When a convicted person has paid his debt to society by serving the term of his imprisonment the debt should be marked "Paid in

Full." The archaic provision which disfranchises him forever, regardless of the extent of his reformation, should be abolished.

Vote "Yes" on Proposition No. 12.

CHARLES J. CONRAD
Assemblyman, 57th District

Argument Against Assembly Constitutional Amendment No. 28

Proposition No. 12 should NOT be adopted!

Ever since 1849 the Constitution of California has provided that no person convicted of an infamous crime shall ever exercise the privileges of an elector. This is a wise provision. It has stood the test of time. It should not be abandoned.

Proposition No. 12 seeks to change this, apparently on the theory that a person convicted of an infamous crime should be allowed to vote as soon as he has served his complete sentence. Persons who have experience with this problem will instantly see that the proposal is not only short-sighted but downright dangerous.

It is reasonable that even a person convicted of an infamous crime should not be permanently barred from exercising his political rights, provided society can be reasonably sure that he has been rehabilitated and has established his fitness to exercise those political rights. There are well established legal procedures to help him do this. And, when he has successfully fulfilled the requirements, he can get a full pardon from the Governor and have all of his political rights fully restored. Many persons have established their rehabilitation in this fashion. Many others are doing it at this time.

Political rights are precious things. When a person forfeits them by committing an infamous crime, it is far better for him and for society to have him earn their restoration than to give them back automatically, whether he deserves them or not, or whether he even wants them or not.

There is another concealed danger in Proposition No. 12 which voters should not overlook. When a person exercises "the privileges of an elector," as those words are used in the Constitution, he is not only entitled to vote, but he is entitled to become a candidate for and be elected to public office as well. If Proposition No. 12 passes, it will mean that a convicted embezzler, gambler or perjurer will be automatically qualified to run for public office as soon as he finishes his sentence. Under the present law he would have to establish his rehabilitation and fitness first. This is the way it should be.

The present law has been tried. It works well.

Proposition No. 12 is, at best, a dangerous experiment. The Constitution of California is not the place in which the voters of California can afford to experiment.

Vote NO on Proposition No. 12:

RAY H. LINDMAN
Attorney-at-Law, Los Angeles

13 VERNON CITY CHARTER. Assembly Constitutional Amendment No. 20. Authorizes City of Vernon in Los Angeles County to propose charter for adoption by city electors and ratification by Legislature. Limits power of originating future charter amendments to city council. Permits charter to define voting eligibility in city elections. If less than 135 registered voters reside in city on day of charter adoption election, permits charter to fix voting eligibility and eligibility for office without regard to residence and on basis of property ownership. Confines future annexations to uninhabited territory.	YES	
	NO	

(For Full Text of Measure, See Page 10, Part II)

Analysis by the Legislative Counsel

Article XI, Section 8, of the California Constitution authorizes a city of 3,500 inhabitants to frame a charter for its own government. The city of Vernon had a population of 417 by the 1950 Census. This proposed measure would authorize the city council of

Vernon to frame a city charter and submit it to the electors of the city in the usual manner for submitting such charters. It would authorize amendments to this charter only by proposals of the city council adopted by the electors eligible under the charter to vote for members of the council.

fourth year and those of the 14 Senators elected in the year 1956 from the odd-numbered Districts 13 to 39, inclusive, shall be vacated at the expiration of the sixth year, so that approximately one-third of the Senators shall be elected every two years. Thereafter the terms of all Senators shall be six years.

Fourth, That Section 2 of Article V of said Constitution be amended to read:

Sec. 2. The Governor shall be elected by the quali-

fied electors at the time and places of voting for Members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and his successor is elected and qualified. No person except the incumbent of the Office of Governor at the time this provision takes effect shall be eligible for the Office of Governor for more than two successive terms.

TAXATION: EXEMPTION FOR DISABLED VETERANS. Assembly Constitutional Amendment No. 2. Authorizes tax exemption

11 on home acquired with Federal assistance by veteran who has permanent and total service-connected disability consisting of loss or loss of use of both lower limbs. Limits such exemption to \$5,000.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XIII

Sec. 14. The property to the amount of one thousand dollars (\$1,000) of every resident of this State who has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States (1) in time of war, or (2) in time of peace, in a campaign or expedition for service in which a medal has been issued by the Congress of the United States, and in either case has received an honorable discharge therefrom, or who after such service of the United States under such conditions has continued in such service, or who in time of war is in such service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and the property to the amount of one thousand dollars (\$1,000) of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, and the property to the amount of one thousand dollars (\$1,000) of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors and marines who served in the Army, Navy, Marine Corps, Coast Guard or

Revenue Marine (Revenue Cutter) Service of the United States shall be exempt from taxation; provided, this exemption shall not apply to any person named herein owning property of the value of five thousand dollars (\$5,000) or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars (\$5,000) or more. No exemption shall be made under the provisions of this section of the property of a person who is not legal resident of the State; provided, however, all real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this State who, by reason of his military or naval service, is qualified for the exemption provided in the first paragraph of this section without regard to any limitation contained therein on the value of property owned by such person his wife, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property; except that such exemption shall not extend to more than one home nor exceed five thousand dollars (\$5,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in the first paragraph of this section.

VOTING ELIGIBILITY. Assembly Constitutional Amendment No.

12 28. Removes voting disqualification of person convicted of infamous crime after he has completed paying penalties imposed by law for such conviction.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE II

Section 1. Every native citizen of the United States of America, every person who shall have acquired the rights of citizenship under and by virtue of the Treaty of Queretaro, and every naturalized citizen thereof, who shall have become such 90 days prior to any election, of the age of 21 years, who shall have been a resident of the State one year next preceding the day of the elec-

tion, and of the county in which he or she claims his or her vote 90 days, and in the election precinct 54 days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; provided, any person duly registered as an elector in one precinct and removing therefrom to another precinct in the same county within 54 days, or any person duly registered as an elector in any county in California and removing therefrom to another county in California within 90 days prior to an election, shall for the purpose of such election be deemed to be a resident and qualified elector of the precinct or county from which he so removed until after such election; provided, further, no alien ineligible to citizenship, no idiot, no insane person,

no person convicted while paying the penalties imposed by law for conviction of any infamous crime, nor person hereafter convicted of the embezzlement, appropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; provided, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a phys-

ical disability from complying with its requisitions, nor to any person who had the right to vote on October 10, 1911, nor to any person who was 60 years of age and upwards on October 10, 1911; provided, further, that the Legislature may, by general law, provide for the casting of votes by duly registered voters who expect to be absent from their respective precincts or unable to vote therein, by reason of physical disability, on the day on which any election is held.

VERNON CITY CHARTER. Assembly Constitutional Amendment

13

No. 20. Authorizes City of Vernon in Los Angeles County to propose charter for adoption by city electors and ratification by Legislature. Limits power of originating future charter amendments to city council. Permits charter to define voting eligibility in city elections. If less than 135 registered voters reside in city on day of charter adoption election, permits charter to fix voting eligibility and eligibility for office without regard to residence and on basis of property ownership. Confines future annexations to uninhabited territory.

YES

NO

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XI

Sec. 8.1. (a) The City of Vernon, in the County of Los Angeles, may frame a charter for its own government. Any such charter shall be framed, or caused to be framed, by the legislative body of said city and the proposed charter shall be advertised submitted for its adoption to the electors of city in the manner provided in subsection (f) of Section 8 of this article, and if a majority of the qualified voters voting thereon shall vote in favor of such proposed charter, it shall be deemed to be ratified and shall be submitted to the Legislature for its rejection or approval, and if approved, thereafter filed, all in accordance with the applicable provisions of Section 8 of this article.

Any such charter once adopted may be amended only in the manner provided in this section. Such amendment shall be framed, or caused to be framed, by the legislative body and thereafter the proposed amendment shall be advertised and submitted for its adoption, in the manner provided in subsection (f) of Section 8 of this article, to a vote of those persons eligible under the charter to vote for members of the legislative body of said city, and if a majority of those entitled to vote thereon shall vote in favor of such proposed amendment, it shall be deemed to be ratified and shall be submitted to the Legislature for its rejection or approval, and if approved, thereafter filed, all in accordance with

the applicable provisions of Section 8 of this article.

(b) The charter may provide the manner in which, the method by which, the times at which, and the terms for which the members of the legislative body of the City of Vernon shall be elected, who may be eligible for election to the legislative body, and shall define the electors of the city for the purpose of voting for members of the legislative body, for other elective officers, on incurring an indebtedness or liability exceeding in any year the income and revenue provided for such year, and for the purpose of exercising the powers of initiative and referendum; in the event there are less than 135 registered voters residing in said city on the day of the election on the charter by the electors of said city, such provisions may be made without regard to, or without being subject to, the provisions of Section 24 of Article I and Section 1 of Article II of this Constitution.

(c) Subject only to the restrictions and limitations provided in any such charter and in this Section 8.1, it shall be competent in any such charter framed under the authority of this section to provide that the City of Vernon may make and enforce all laws and regulations in respect to municipal affairs, and in respect to other matters it shall be subject to general laws.

(d) Only uninhabited territory, as defined by the general laws of the State, may be annexed to said city.

(e) The adoption of such charter shall not cause any change in any existing school district.

(f) Except as hereinabove provided any such charter for said city shall be consistent with and subject to other provisions of this Constitution.

COLLEGE EXEMPTION: PROPERTY UNDER CONSTRUCTION.

14

Assembly Constitutional Amendment No. 53. Describes tax exemption of college buildings under course of construction as being inclusive of land on which the building is located.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution, therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XIII

Sec. 1a. Any educational institution of collegiate grade, within the State of California, not conducted for profit, shall hold exempt from taxation its build-

ings and equipment, its grounds within which its buildings are located, not exceeding 100 acres in area, its securities and income used exclusively for the purposes of education.

The exemption granted by this section applies to and includes a building in the course of construction on or after the first Monday of March, 1950, and the land on which the building is located, if the same property is intended when completed to be used exclusively for the purposes of education.